

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

#### DEPARTMENT OF JUSTICE

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

#### DEPARTMENT OF JUSTICE

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Daniel Marcus, of Maryland, to be Associate Attorney General.

#### UNITED STATES INSTITUTE OF PEACE

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

#### BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002.

#### DEPARTMENT OF COMMERCE

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development.

#### APPALACHIAN REGIONAL COMMISSION

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

#### DEPARTMENT OF STATE

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Public Affairs).

#### DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

#### DEPARTMENT OF TREASURY

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

#### DEPARTMENT OF THE TREASURY

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

#### DEPARTMENT OF JUSTICE

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

#### DEPARTMENT OF LABOR

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

#### NATIONAL SCIENCE FOUNDATION

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

#### DEPARTMENT OF LABOR

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

#### UNITED STATES INSTITUTE OF PEACE

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

#### DEPARTMENT OF STATE

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of

the United States Agency for International Development.

#### INTERNATIONAL MONETARY FUND

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

#### DEPARTMENT OF JUSTICE

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

#### DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

#### FOREIGN SERVICE

PN1176 Foreign Service nominations (84) beginning John F. Aloia, and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1220 Foreign Service nominations (104) beginning Guy Edgar Olson, and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1221 Foreign Service nominations (20) beginning James A. Hradsky, and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

Mr. LOTT. I thank Senator DASCHLE, Senator HARKIN, Senator MACK, Senator HELMS, and a number of others who have worked to get this list cleared.

#### RECESS APPOINTMENTS

Mr. LOTT. Mr. President, one note on these nominations and appointments:

I understand that United States Presidents have for years had the ability to recess appoint nominations. I know of many instances going back at least to the 1950s. I also understand that many majority leaders—including Senator BYRD and Senator Mitchell—have had words of caution for Presidents of the United States when they were majority leader with respect to recess appointments. I know that this majority leader, as well as Senator BYRD, are very much concerned about recess appointments—especially appointments to the Federal judiciary—during a period of time after we adjourn sine die, or at the beginning, frankly, of the year right as we go into the new administration. Congress has seen this area to continue to erode. I think we need to deal very aggressively with it. The Vacancy Act that Senator BYRD has worked on is something about which we need to be very serious. I hope this administration will heed these words of caution and understand the concerns of the whole Senate.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LOTT. I would be glad to yield the floor before we return it to Senator LAUTENBERG, if I might.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, you do that job perfectly with diligence, for the record.

I am happy to yield. In fact, I would be afraid not to yield to our distinguished Senator, my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I will not speak long.

Mr. President, the distinguished majority leader has made reference to recess appointments. Let me read what is in the Constitution. I read from section 2 of article II of the Constitution:

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Having been the majority leader in the Senate earlier in my years here, I have been very careful to caution Presidents not to make recess appointments during the recess of the Senate unless there is indeed an emergency that arises.

That is the purpose of this. That provision in the United States Constitution is not put in there to enable any President, Republican or Democrat, to play games with the Senate, or to attempt to do a one-upmanship simply because the Senate is out of session.

I hope that Presidents, Democratic and Republican, will be very careful in filling a vacancy that "may happen" during a recess. That is the way the Constitution reads.

I hope there is no effort to take advantage of those words by appointing someone to fill vacancies that have been in existence for some time. I especially hope that no administration will attempt to fill a Federal judgeship during the recess of the Senate. After all, a Federal judgeship is an appointment for life. That is not an appointment just until the end of the next session. Federal judgeships are, through the Constitution, for life tenure if they conduct themselves appropriately while in office.

I want to say this: I am opposed to judgeship appointments during a recess. I hope that any President will proceed very cautiously and not attempt to take advantage of the situation by appointing judgeships during the recess of the Senate.

How long will this Senate be in recess?

Mr. LOTT. I say to the Senator from West Virginia, I believe we will be in recess slightly over 2 weeks, probably 17 days, until the new Congress comes in on January 23.

Mr. BYRD. I can only see through my own eyes, but I don't consider that to be too long a time to await the appointment of a Federal judgeship or any other office, unless it should be Secretary of Defense or perhaps Secretary of State. But it is certain that there is no need to fill judgeships during this 2 weeks, or whatever it is. We will be back here. I will not support any administration, Democratic or Republican, that attempts to fill Federal judgeships while the Senate is in recess. I think that is playing politics.

We all play politics some, but we are fooling around a little too deeply with the fountain of politics. I hope we don't poison that well by attempting to pull a fast one here. Is that what the Senator is talking about?

Mr. LOTT. I understand, of course, that is a possibility. We have not been notified of any recess appointments or any Federal judicial appointment during this recess period. However, I note it has been done in the past, and there has been some suggestion it could occur during the next 6 weeks before the next Inauguration.

I want to check on exactly what would be the situation. I understand even a Federal judge's term would expire, depending on when it happened, at the end of the Congress, but there would be tremendous pressure then to reappoint that person. I agree with the Senator that any appointment of a Federal judge during a recess should be opposed, regardless of who they are or whether it is Republican or Democrat. I commit myself now to remember that when there is a Republican administration, as well as a Democratic administration.

I do know there were Federal judges back in the early 1950s appointed by President Eisenhower. That was a mistake then, and it would be one now. I understand that could be contemplated. This word of caution on your behalf and on mine on behalf of the Senate, hopefully, will cause that not to happen.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield further.

Mr. LOTT. I am happy to yield to the Senator.

Mr. BYRD. I presume to offer the majority leader a suggestion, what I would do if I were in his place. I would write to the President and urge that no such recess appointment be made, and put it in writing, make a record of it. Furthermore, if I were the majority leader, I would talk with the administration.

Mr. LOTT. I appreciate that.

Mr. BYRD. I am not trying to tell the Senator what to do, but this is a serious thing with me. As for the politics of it, I am not talking Democratic politics or Republican. But there is such a thing as comity between the executive branch and the legislative branch. There is such a thing as the Constitution, and I happen to hold a copy in my hand right now. There is also such a thing as the prerogatives of the Senate. I try to defend those prerogatives.

The Senator made a comment about recess appointments. I hope he will get some assurance. If there is any doubt in his mind—any doubt—that this administration or any other is going to try to make a recess appointment, especially of a Federal judgeship, while the Senate is out for these two or three weeks. I hope the Senator will get a commitment out of the administration, if he can, that that will not happen.

That is going pretty far, in my judgment—to appoint a Federal judge for

life "during good behavior." I don't know whether there have been judges appointed during a recess of the Senate in the face of this provision which I have just read, to wit:

The President shall have power to fill up all vacancies that may happen during recess of the Senate by granting commissions which shall expire at the end of their next session.

That is all I have to say. I have been concerned about that, I say to the distinguished majority leader. I have worked with the distinguished Senator from Tennessee, Mr. THOMPSON, and his committee, and a former Senator, who was the ranking member of that committee, John Glenn. We hammered out some legislation. I was concerned about the fact that the administration was appointing people who stayed in those positions for a year, for 2 years, for longer than 2 years, so we hammered out legislation and passed it in the Senate—the Vacancies Act.

About 6 months ago, I asked Senator THOMPSON how the law was working. He indicated he would get back to me in answering my question at some point.

I just happened to be here on this floor, during the comments of the majority leader and I can't stress too greatly my concern about recess appointments of Federal judges.

I hope the majority leader, if he will pardon my presumptuousness, will try to get some understanding with the administration about that. That is the way I always did when I was majority leader: I got some understanding.

Mr. LOTT. Mr. President, I say to the distinguished Senator from West Virginia, that is very good counsel. I will do that on a personal basis. I will also follow an example that I believe has been carried out in the past by Senator BYRD, maybe even by Senator Dole: In writing, get an understanding or some clarification. I will do that letter, and it will include this colloquy which just occurred.

I thank the Senator for his comments, and I yield the floor.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I suspect you are getting weary of issuing that statement.

Mr. President, just because I want to talk about 18 years of service doesn't mean I have to take 18 hours to do it. I will try to consolidate it.

I have been talking about things that meant so much to me in the Senate and about the honor given when one is elected to this office. Too often it is denigrated in the heat of battle for victory in elections and again criticism of government and the bureaucrats, and so forth. It gets to a point where I must say I am very defensive, particularly for the staff who give so much of themselves to make things happen.